

ICRC FactSheet

Questions and Answers on Filing A Civil Rights Complaint

Q. What is a civil rights or discrimination complaint?

A. A complaint is a legally-filed charge against a person or business alleging you were treated unfairly in a situation covered by the Iowa Civil Rights Act (Iowa Code 216). It is not the same as filing suit in court; however, after the complaint has been on file for 60 days, you can request a right-to-sue and file suit in court.

Q. How do I know if I should file a civil rights complaint?

A. You may wish to file a civil rights complaint if you believe you have been discriminated against or treated unfairly in an incident that falls under the authority of the Iowa law.

Whenever possible, it's wise to try to work out a solution directly with the person or business who is causing you a problem. If, however, the problem cannot be solved or if the person does not respond to your requests, you may wish to go to an outside agency such as your local human/civil rights agency or the Iowa Civil Rights Commission.

Q. Do you need an attorney to file a complaint with the Iowa Civil Rights Commission?

A. No, but you may wish to consult an attorney regarding your full range of legal rights in the situation.

Q. How does the Iowa law define discrimination?

A. Discrimination is different treatment or harassment based on protected characteristics. When the protected characteristic is disability, the failure to provide reasonable accommodation can also result in discrimination.

Discrimination could happen to you in **employment, housing, credit, public accommodations, education, or by means of retaliation.**

The protected characteristics under the Iowa Civil Rights Act are:

Race, Color, Sex, Religion, Creed, National Origin, Physical Disability, Sexual Orientation or Gender Identity in all areas.

Age (18 and older) is covered in employment and credit.

Familial Status (presence of children in the home) is covered in housing and credit.

Marital Status is an additional basis in credit.

Mental Disability is covered in all areas except credit.

There are many things that happen that are unfair, but these events may not be discriminatory under the law. If you believe one of the above protected characteristics is the reason for your unfair treatment, you may want to consider filing a formal complaint.

Q. How do I file a complaint?

A. You may contact your local human/civil rights agency if your city has one. Or you may file a complaint by contacting the Iowa Civil Rights Commission by mail, by telephone, by coming to the office in person, or on our website. (<http://www.state.ia.us/government/crc>) Most complaints are initiated by telephone. There is no charge for you to call on our toll-free line. **(1-800-457-4416.)**

When you call our office, an intake officer will help you determine if you have grounds for filing a complaint. The intake officer will send you the complaint forms and instructions. These are available on our website at <http://www.state.ia.us/government/crc/forms>. Having the intake interview does not obligate you to file a complaint. The complaint is not legally filed until you return the signed complaint to our office. If your situation is one that is not covered under the Iowa Civil Rights Act, the intake officer may refer you to other sources for help.

Q. Is there a charge for filing a complaint?

A. No, there is no charge for the Commission's services in filing or processing a complaint.

Q. Is there a time limit for filing a complaint?

A. Yes, under state law a complaint must be filed within ***300 days** of the most recent discriminatory incident, or the earliest date that you knew the discrimination was going to happen to you. An employment complaint must be filed with the federal Equal Employment Opportunity Commission within **300 days** of the discrimination. A housing complaint must be filed with the Federal Department of Housing Urban Development within **one year** of the discrimination.

Q. What happens after I file the complaint?

A. After your signed complaint is received by the Commission, it is reviewed to be sure it meets the legal filing requirements. If it does not meet filing requirements, you will be notified and the matter will be closed.

It is **not** possible to file an anonymous complaint.

Q. This sounds like a lengthy process. Are there any other options?

A. It is true that the whole process may take a long time. However, the parties may be offered the opportunity to participate in mediation if the complaint is accepted for investigation. If the parties are willing to participate, a no-fault settlement may be negotiated which would resolve the matter. This settlement is a binding legal contract in which the parties and the Commission agree to settlement terms. A settlement of this type is beneficial to the parties by bringing the matter to a quicker resolution.

Q. Does filing a complaint really do any good?

A. Yes, filing a complaint will establish your rights under the law.

Q. What are my responsibilities and rights if I file a complaint?

A. You have a **responsibility** to:

- keep the Commission informed of any changes in your name, address, or telephone number. If we are unable to locate you when needed, your complaint could be administratively closed.

- respond promptly to all letters and telephone calls from Commission staff. You may also need to be available for a telephone interview during the investigation of your complaint.

- provide as complete information as possible when requested. Keep copies of letters and records regarding your incident. Make a list of witnesses or persons who may have relevant information, including addresses and telephone numbers, if known.

You have a **right** to:

- a courteous, prompt response from Commission staff to your questions.
- confidentiality of your complaint or inquiry.
- fairness and impartiality during an investigation.
- free services from the Commission.

Have more questions? Call the Commission for consultation on discrimination issues and the complaint process. We're here to help!

The Commission also provides educational materials on civil rights and discrimination, and has educational videos for loan. Staff members are also available to speak at workshops and training sessions.

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